

## **LISTING OF CLAIMS:**

Please cancel claims 3-6, 12, and 20-22 without prejudice or disclaimer.

1. (Original) 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine dihydrate.
- 2-6. (Cancelled)
7. (Currently amended) A process for preparing 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine dihydrate comprising the steps of:  

preparing heating a mixture of a basic salt solution of a 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine and an organic solvent; and  
allowing 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine dihydrate to form.
8. (Original) The process of claim 7, further comprising:  
recovering 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine dihydrate from the solution.
9. (Original) The process of claim 7, wherein the basic salt solution comprises a base selected from the group consisting of potassium hydroxide, sodium hydroxide, lithium hydroxide, barium hydroxide, and tetraalkylammonium hydroxide.
10. (Original) The process of claim 9, wherein the basic salt solution comprises potassium hydroxide.
11. (Cancelled)
12. (Currently amended) The process of claim 25, wherein the organic solvent ~~comprises~~ is selected from the group consisting of (a) methyl iso-butyl ketone and (b) mixtures of methyl iso-butyl ketone and (i) toluene (ii) heptane or (iii) toluene and heptane.
13. (Currently amended) The process of claim ~~26~~ 7, wherein the heating step comprises refluxing.
14. (Previously amended) The process of claim 23, wherein the acid is an aqueous acid solution.
15. (Original) The process of claim 14, wherein the aqueous acid solution comprises an acid selected from the group consisting of phosphoric acid, nitric acid, sulfuric acid, acetic acid and hydrochloric acid.
16. (Original) The process of claim 14, wherein the aqueous acid solution comprises about

5-36% w/w hydrochloric acid.

17. (Previously amended) A process for preparing mirtazapine comprising converting 1-(3-carboxypyridyl-2)-4-methyl-2-phenylpiperazine dihydrate to mirtazapine, wherein the converting step comprises:
  - reducing carboxy-NMPP dihydrate to form hydroxy-NMPP; and
  - dehydrating the hydroxy-NMPP to form mirtazapine.
- 18-22. (Canceled)
23. (Previously presented) The process of claim 7, further comprising neutralizing the solution with an acid.
24. (Canceled)
25. (Currently amended) The process of claim ~~24~~ 7, wherein the organic solvent is selected from the group consisting of methyl iso-butyl ketone, toluene, heptane, and mixtures thereof.
26. (Canceled)